



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
WATER AND
WATERSHEDS

SEP 01 2011

Barry Burnell, Administrator
Water Quality Division
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255

Dear Mr. Burnell:

This letter is in regard to Idaho Department of Environmental Quality's (IDEQ) proposed site specific temperature criteria to protect salmon spawning in the Hells Canyon Reach of the Snake River.

Recently, the Idaho Power Company (IPC) petitioned the Oregon Environmental Quality Commission to consider similar site specific temperature criteria for this portion of the Snake River for the State of Oregon. As part of this review, the EPA provided a comment letter on January 28, 2011 outlining our concerns with respect to the proposed criteria. IDEQ has included the EPA's January 28, 2011 letter as part of the docket for this proposed rule located at www.deq.idaho.gov/58-0102-1102-proposed.

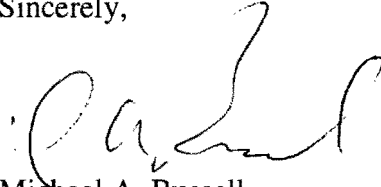
At this time, the EPA recommends that the Idaho Department of Environmental Quality not proceed with this rulemaking and leave the current 13°C salmon spawning criterion in place from October 23 to April 15. In our January 28, 2011 letter, the EPA identified six concerns with modifying the current 13°C criterion. We continue to have these concerns. As you are aware, the EPA must approve any changes to a State's water quality standards before they become effective for Clean Water Act (CWA) regulatory purposes. The concerns expressed in our January 28, 2011 letter are significant in regard to the approvability of this proposed site specific criteria.

The EPA understands this proposed rulemaking is at the request of the IPC, which operates the Hells Canyon Complex (HCC) of three dams on the Snake River. IPC is currently seeking a renewed hydropower license from the Federal Regulatory Energy Commission (FERC), which requires a CWA Section 401 certification from Idaho and Oregon determining that the new license will meet water quality standard requirements. As you are aware, ensuring the new license meets temperature water quality standards is an ongoing unresolved issue as part of the Section 401 process.

The EPA, however, believes significant progress is being made with IPC and the various regulatory agencies to develop an approach for the HCC to meet the current 13°C spawning criteria and the closely related Oregon Natural Seasonal Thermal Pattern temperature standard. The EPA is encouraged by this progress and supports finalization of a proposed action that can meet the current CWA requirements and allow FERC to proceed with issuing a new hydropower license for the HCC.

Thank for the opportunity to comment on Idaho's proposed site specific temperature criteria for the Hells Canyon Reach of the Snake River. If you have any questions, please feel free to call me at (206) 553-4198 or John Palmer of my staff at (206) 553-6521.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bussell", with a stylized flourish at the end.

Michael A. Bussell
Director
Office of Water and Watersheds

cc: Neil Mullane, ODEQ
Kelly Susewind, Ecology
Bruce Suzumoto, NMFS
Jeff Foss, FWS